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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/664,399

09/19/2003

Ryoichi Endo

36135

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7590

03/17/2005

PEARNE & GORDON LLP

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CLEVELAND, OH 44114-3108

EXAMINER

VORTMAN, ANATOLY

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JK

Office Action Summary	Application No. 10/664,399	Applicant(s) ENDO ET AL.	
	Examiner Anatoly Vortman	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-12 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim recites the limitation "said air". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, and 4-12, are rejected under 35 U.S.C. 102(b) as being anticipated by US/5,208,730 to Tracy.

Regarding claim 1, and as best understood regarding claim 10, Tracy disclosed (Fig. 1-3) an electronic apparatus, comprising: a housing (10); a mounting plate (22) having an electronic device (column 4, lines 9+) mounted thereon and fixedly connected with said housing (10), said

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mounting plate (22) being formed with a through bore (44); a supporting plate (90) fixedly connected with at least one of said housing (10) and said mounting plate (22) and formed with a through bore; a heat exhausting cooling fan device (60) intervening between and supported by said mounting plate (22) and said supporting plate (90), and adapted to ventilate said housing (10) through said through bore (44) of said mounting plate (22) and said through bore of said supporting plate; and a resilient member (112, 114) disposed between said cooling fan device (60) and said mounting plate (22) and between said cooling fan device (60) and said supporting plate (90) to absorb vibrations of said cooling fan device (60) while said cooling fan device (60) is being driven to ventilate said housing (10) to cool said electronic device.

Regarding claim 2, Tracy disclosed (Fig. 3) that said cooling fan device (60) has a first surface (coplanar with openings (78)) and a second surface opposing to and spaced apart from each other, said mounting plate (22) and said supporting plate (90) have respective complementary portions forming in cooperation a holding portion for holding said cooling fan device (60), and at least said first surface and said second surface of said cooling fan device (60) are opposing to and held in resiliently pressing contact with said holding portion with said resilient member (112, 114) disposed therebetween.

Regarding claim 6, Tracy disclosed (Fig. 1), that said housing (10) is partly constituted by said mounting plate (22).

Regarding claim 7, Tracy disclosed (Fig. 3) that said mounting plate (22) constitutes a plane of said housing, and said plane has a base portion and a protruded portion (18, 142) integrally formed with and protruded outwardly of said base portion to have said cooling fan device (60) partly received therein.

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Regarding claim 8, Tracy disclosed (Fig. 3) that said resilient member (112 or 114) has a first resilient portion (116) disposed between said cooling fan device (60) and said mounting plate (22) and a second resilient portion (118) disposed between said cooling fan device (60) and said supporting plate (90), and said first resilient portion (116) and said second resilient portion (118) are connected with each other (by member (120))

Regarding claim 9, Tracy disclosed (Fig. 3) that said resilient member (112 or 114) has an inserting portion (130) to have said cooling fan device (60) slidably received therethrough.

Regarding claim 11, the disk drive is inherently present in the structure, since said housing (10) is a personal computer (column 3, lines 65+).

Regarding claim 12, the claim recites the way of using the device (i.e. in a vehicle). It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Allowable Subject Matter

5. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including **all** of the limitations of the **base claim** and **any intervening claims**.

The allowability of claim 3 resides in the overall structure of the device as recited in the claim and **at least in part** in the recitation: “said first contact surface, said side surfaces, and said bottom surface are opposing to and held in pressing contact with said first holding section of said

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mounting plate, and said second contact surface and said top surface are opposing to and held in pressing contact with said second holding section of said supporting plate". The aforementioned limitations in combination with all remaining limitations of the claim, are believed to render the claim patentable over the art of record.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

US/4926291, 5713790, 5788566, 5943210, 5953208, 6061237, 6183214, 6236564, 6244953, 6272022, 6304445, 6315656, 6351380, 6549406, 6556437, and 6579168 disclosed various cooling arrangements with fans.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AV

A handwritten signature in black ink, appearing to read "A. Vortman", followed by a long horizontal flourish line.

Anatoly Vortman
Primary Examiner
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